MATTER FOR CONGRESS

Determination of Validity of the Election.

OPINION OF E. P. DOLE

Attorney General's Reply to Lawyers

the election of Nich. Russell of Hawaii the election of Nich. Russell of Hawall "Neither in England nor in the Unite to the Legislature was discussed. At- States are there many offices of the legis torney General Dole reported that Log- lative character which can be said to Congress. Attorney General Dole said

in he couldn't he all emissions and disco-ling he couldn't he all emissions in the set-he-latined of he presented with the after A network of the court are at action to are and presentation of the office by the couldn't are sufficiently shown as the witten to warrant the court in permit-tive like information to be filled. The bands of ref. Michael Evaluary, Northern States and Public Callantant, S. 111, 128-126.

Callaghan: 8 111, 128-125.)
Machem's Treatise on the Law or Public Coffices and efficiers, to which you have called my attention as an authority that an information in the inture of qui warrante may be maintained before the declares: (Section 42.) "It is indispensable to the jurisdiction in quo warrante that he respondents should be shown to have been in the actual possession and user a the office. It is not enough that he should claim the office, but an actual user much be shown."

Attorney General's Reply to Lawyers

Presenting Leebenstein's

Protest.

At the Governor's council yesterday the protest of A. H. Loebenstein against the election of Nich. Bussell of Hawaii

Attorney General's Reply to Lawyers

In the constitution of the United States in my opinion, deprives the local profits of jurisdiction in the premises, and makes the validity of the congressional election a question with which the Attorney-Lieu-eral of the Territory has nothing to do Article 1, Section 5 of the Constitution of Colors that:

"Each house shall be the classical profits that the elections of its own members."

Nother in Factories and qualifications of its own members.

"Nother in Factories and positive in the United States."

benstein's lawyers had lodged the protest with him and asked his endorsement thereon, the ground taken being that the election was without authority of law, the Legislature having yet to provide for the election of Delegate to Congress. Attorney General Dole said Congress. Attorney General Dole said that he had replied to the lawyers that he had no official concern in the matter. At length his reply was as follows:

Territory of Hawaii,
Office of the Attorney-General.
Honolulu, H. I., Nov. 14th, 1900.

I beg to acknowledge receipt of your favor of the 12th inst. saying, that as attorneys for Mr. A. B. Loelenstein you wish to test the question whether, under same power over the election of members. wish to test the question whether, under same power over the election of members existing laws, a delegate to Congress can as the houses of Congress. This jurisdiction of the legally elected in this Territory; and tion over the election of members excludes asking "permission to file, on behalf of the jurisdiction of the courts, although the Attorney-General, a proceeding in the the canvassers may be compelled by manistrate of quo warranto to test the right damus to conduct the canvass, declaring of one R. W. Wilcox to obtain a certificate of election to the said Congress, glving the person holding a certificate the prima facie right to the seat, and com-

of one R. W. Wilcox to obtain a certificate of election to the said Congress, and try his title to the said office."

1. It goes without saying, that in a matter of this kind, official duty must be paramount to political and personal considerations. The Attorney-General, acting as representative of a government, should be equally fair to men of all parties. An information in the nature of quo warranto being brought in the name of the Attorney-General is, in effect, an allegation on the part of the government that the person claiming the office is not entitled to it. It is an attempt to prevent him from holding it. The papers you have drawn for me to endorse are entitled Tertitory of Hawail, on the complaint of A. B. Loebenstein, vs. Robert W. Wilcox, and the complaint begins. "The Territory of Hawail, on the complaint of A. B. Loebenstein, vs. Robert W. Wilcox, and the complaint begins. "The Territory of Hawail, on the complaint of A. B. Loebenstein, vs. Robert W. Wilcox, and the complaint begins. "The Territory of Hawail, on the complaint of A. B. Loebenstein, vs. Robert W. Wilcox, and the complaint begins. "The Territory of Hawail, on the complaint of A. B. Loebenstein, vs. Robert W. Wilcox, and the complaint begins. "The Territory such contests shall be conducted. The courts of common pleas in the several counties are especially designated as the fauthority' before which the election of sheriffs, and the various other county of sterification to hear and determine any conplainant, can it repudiate its own nets consistently with what plain people call a square deal?

2. If an information in the nature of quo warranto is the proper course in this own rest in regard to the election of governor, leutenant-covernor, judge of this court, or of the court of common pleas, and other state officers. This legislation being out merely permitted, but enloined by the cause, the court has discretion to allow it constitution, mage and the constitution imperson health and in what method, the trial of contested in which the el the sent is the strictery to the special services and the strictery of the s

GEAR'S DISLOYAL WORK IN THE POLITICAL CAMPAIGN

The following extract is from a letter fully printed elsewhere, in which A. V. Gear disclaims responsibility for the petition that was circulated in his favor fortog the late political campaign and against Henry Waterhouse, a regular Republican nominee for Senator:

Your action relieves me from any responsibility for any of the universally recognized weak points in the Republican Senatorial ticket. My action should convince you of the utter falsity of the impression emanating from members of the Executive Committee that I was personally instrumental in instigating the petition to which I have drawn your attention. From A. V. Gear's letter to Chairman Kennedy of the Republican Territorial Committee.

Now compare Mr. Gear's statement with these:

This is to certify that during the progress of the political campaign in Honolulu, at the request of a friend of mine I called upon A. 7. Gear, at his office with Gear, Lansing & Co., and he asked me to circulate a petition which read as follows:

"We, the undersigned qualified voters of the Island of Oahu, do hereby request and urge that the name of Hon. A. V. Gear be placed on the ticket as candidate for Senator of the Third Senatorial District of the Territory of Hawaii, in place of - - - -

"Should the Hon. A. V. Gear consent to our nomination and if his name is placed on the ticket, we will use our best efforts to secure his election."

Mr. Gear told me that if I would successfully circulate this petition and bring it back to him, I would be paid for so doing. 1 thereupon asked Mr. Gear what name was to be placed in the blank space in the petition, and he told me that the man in whose place he wished to run as candidate was Henry Waterhomse. I thereupon told him that as Henry Waterhouse was a friend of mine I would not consent to it.

W. H. KAHUMOKU, Halawa Ewa, H. T., November 8, 1900.

We, the undersigned, do hereby certify that Hawaii on special business for the cenduring the political campaign in Honolulu, at the request of different friends, we called upon A. V. Gear and were asked by him to circulate petitions replacing the name of Henry Waterhouse on the ticket as candidate for Senator of the Third Senatorial District of the Island of Hawaii, with the name of A. V. Gear. The petition also stated a determination for our best efforts to secure Mr. Gear's election.

After keeping these petitions for a short time and getting a few names signed thereto,

Weak Children OCTOBER We know you will be greatly interested in this testimonial. It tells you

AYER'S

Sarsaparilla

I did so, and you would have been astonished to notice-the prompt change. All my friends say it was simply wonderful. Only four bottles made my weak and sickly child strong and healthy. I want to urge all mothers who have delicate children to try this tonic."

Prepared by Dr. J. C. Ayer Co., Lowell, Mass. IL S. A.

HOLLISTER DRUG CO., Agents.

LOCAL BREVITIES.

us bureau.

sioner Wray Taylor.

how you can make your sickly child robust and bearty.

Mrs. A. Lawrence, of Bowden, South Australia, sends us this picture of her child, with the following letter:

Beat All Known Records For Moisture.

Islands Rainfall Has Been Unprecedented as the Figures Show.

October was a record month for atmospheric disturbances. Professor Curtis J. Lyons, Territorial Meteorologist, gives the following figures of the mouth's weather.

Temperature mean for the month, 76.9 F., normal, 76.3, average dally maximum, \$2.4; average daily minimum, 51.8; average daily range, 10.6; greatest daily range, 19 degrees; least daily range, 6 degrees; highest temperature, \$7; lowest, 65.

Barometer average, 29,560; normal, 29,966 (corrected for gravity by -.06); highest, 20.11; lowest, 29.78; greatest tuenty-four hour change, .08. The house came a day or two before the torreptial rains of the 16th; the storm of the ten days following was a high baremeter storm; probably the S. W. side of a large cyclonic disturbance.

Relative humidity, 71.0; normal, 72.5; mean dew-point, 66.9; normal, 66.2; absolute moisture, 7.22 grains per cubic

foot; normal, 7.06. Rainfall, 6.88 inches; normal, 2.46; rain record days, 23; normal, 19; greatest rainfall in one day, 2.68; at Luaka-ba, monthly rainfall, 21.21; in one day (16th), 8.15; Kapiolani Park, 2.12 for the month. The artesian well level rose from 32.85 to 33.19 feet above mean sea level.

rainfall as compared with normal: Hilo. 180 per cent; Hamakua, 125 to 220; Ko-The Mauna Loa brought in several barrels of that bon vivant's delight, the luscious and delicious alligator bala, 170; Waimea, 150; Kona, 200; Kau, 300; Puna, 200; Maul, 150 to 200; Oahu, 150 to 400: Kauni, 150 to 250,

Prince David Kawananakoa and John Wise have gone on a hunting and fish-Hilo, 100 feet elevation, mean maxing expedition. They will return on mum, 80.4; mean minimum, 69.9; Waimea, Hawaii, 2730 elevation, 77.3 and The Mauna Loa brought back Robert 66.6; Kohala, 585 elevation, 84.1 and 71.1; Kulaokahua, (W. R. Castle), 60 feet elevation, highest, 87; lowest, 66; average, 78.3; Kilauca, Kauni, 325 feet Bags for collecting seeds of forest

Heavy rains on the 9th, Hawaii and ribbon selling as a means of raising Kauai; 9.55 inches in a few hours, Kathe necessary funds for the party's poho. On the 16th, over the entire provent 9.16 leches at Ahumanu, Oahu, group; 9.10 inches at Ahuimanu, Oahu. CURTIS J. LYONS,

It will be at least a month before J. M. Vivas will be able to leave Kona for Honolulu. He has not improved as apidly as his frinds hoped and de- lows:

The director of the Hawaiian Plant-

The Hollister Drug Company have

The Independents have resorted to

of Koloa plantation, Kauai, His friends Kealakekua

Capt. J. T. Myers, who was a pastern and the Doric, brought the news Kula 4000 of the loss of the silk American flag, Puuomalei 1400 which was enclosed in a highly polished koa case and presented by the late Halcakala Ranch 2000

WIND AND WAVES **RULE WATERFRONT**

The steamer Claudine, which was to have sailed for Lahaina, Kahuiti and Hana at noon yesterday, changed her mind on account of the storm and stayed in port. The big ship Star of Russia, she who had so much trouble in securing a crew, also remained in Libus (Grave Farm) Russia, she who had so much trouble in securing a crew, also remained in port, not daring to venture through the channel. The steamer Kauai arrived in port from Kolea, and had rather a rough time coming into the harbor through the channel, although she got in all right. The chooser alice Kimball also urrived, and about 4 o'clock in the afternoon the graciline schouler Eclipse arrived from Hawaii with a load of cattle. There was not half the danger attached to entering the furrier that there would have been goburber that there would have been no-

ting cit.

As the gut not just night the wind from the south increased and all night Everything in the idexcle line, no the wind and the waves and the rain matter how large or small, can always be due to harbor in their group. held the hurber in their group.

Approximate percentages of district

Average temperatures: Pepeekeo, rees for the Agricultural bureau, will elevation, average maximum, 80.9; se sent to Eben P. Low, by Commis- average minimum, 71.7.

Earthquakes noted: Hilo, 10th, 11 p. m.; Hilo and Pepeekeo, 12th, 3:45 a. m. received a new supply of sponges of Thunder and lightning: Hawaii, 9th, every description. They make a specialty of carriage and harness sponges. Hall at Luakaha, Nuuanu, on 16th.

The rainfall for October was as fol-

Elev. Rain. (Ft.) (In.) 50 19.37 The director of the Hawaiian Planters' Association, Mr. Bluin, now has Stations— (Ft.) his office in the Makiki nursery. His Walakea 50 laboratory on Nuuanu street has been given up. Kaumana 1256 Until Captain Merry returns from Pepeekeo 100 Guam the United States tug Iroquois Hakalau 200 will remain at the Navy wharf. The tranking officer in command of the naval station is Lieutenant Commander Ookala 400 6.13

of Kolea plantation, Kauai, His friends | Kealakekua | 1680 | 8ay he deserves his good fortune. He | Naalehu | 650 | Is a clever, hustling manager. | Naalehu | 1725 | Is a clever, hustling manager. | Naalehu | 1725 | It by Robert Waialeale for a license to House | 15 | It lies | 15 | It lies | 16 | It lies | 16 | It lies | 17 | It lies | 17 | It lies | 18 | It lies | 19 | It lie 11.64 17.86 8.13 3:59 Naval Station Honolulu * 6 School St. (Bishop) ... 50 Insane Asylum ... 30 Pacific Heights ... 700 7.63 13.59 9.00 12.94 Pacific Heights
Nuuanu (W. W. Hall)
Nuuanu (Wyllie St.)
Nuuanu Electric Station)
Nuuanu (Luakaha) Nuuanu (Luakaha) 850 Manoa (Woodlawn Dairy) 285 Maunawili Kancohe Walmanalo

> RECORDS NOT HITHERTO PUB-LISHED-SEPTEMBER. Rendswon.

Kilinnen

of them whereupon blores riding is at flow sirect, Poddington, Springs, and drugging former, Stelling to be to attach some pot agreeable.

gara sagatana yan memeringan

Pacific Guano and Fortilizer Company

Guttables Ding Manpany, Linesty, Ste-and